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10 Attorneys for Plaintiff
11 PEOPLE OF THE STATE OF CALIFORNIA, acting by
and through San Francisco City Attorney DAVID CHIU

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA

15 PEOPLE OF THE STATE OF CALIFORNIA,
16 acting by and through San Francisco City
Attorney DAVID CHIU,

17 Plaintiff,

18 vs.

19 INCOMM FINANCIAL SERVICES, INC.;
20 TBBK CARD SERVICES, INC.; SUTTON
BANK; and PATHWARD N.A.,

21 Defendants.
22

Case No. 3:23-cv-06456-WHO

STIPULATION AND ORDER

23
24 Plaintiff the People of the State of California by and through San Francisco City Attorney
25 David Chiu and Defendants InComm Financial Services, Inc. (“InComm”), TBBK Card Services, Inc.,
26 Sutton Bank, and Pathward N.A., (collectively, “Parties”), through their counsel of record, enter into
27 the following stipulation.
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STIPULATION

WHEREAS, Defendant InComm removed this action to this Court on December 14, 2023 by special appearance and reserving all rights and defenses, including the right to challenge personal jurisdiction by courts of this state;

WHEREAS, the Court issued a Case Management Conference Order on January 5, 2024 that scheduled a Case Management Conference for March 12, 2024 at 2 p.m. and ordered the parties to submit a case management statement no later than March 5, 2024 (ECF No. 23);

WHEREAS, Plaintiff filed its Motion to Remand on January 30, 2024 (ECF No. 28), Defendants InComm and Pathward N.A. filed Oppositions to Plaintiff's Motion to Remand on February 16, 2024 (ECF Nos. 30 and 31), and Plaintiff filed its Reply in Support of Motion to Remand on February 23, 2024 (ECF No. 33);

WHEREAS, the hearing on Plaintiff's Motion to Remand is scheduled for March 13, 2024;

WHEREAS, Plaintiff has proposed that the parties seek a continuance of the Case Management Conference until after the Court issues an order on Plaintiff's Motion to Remand and determines whether it has jurisdiction over this action so as to conserve the Court's and the Parties' resources;

WHEREAS, Defendants concur with Plaintiff's proposal, while reserving and without waiving all rights and defenses, including the right to challenge personal jurisdiction; and

THEREFORE, IT IS HEREBY AGREED AND STIPULATED, and the Parties respectfully request, subject to the Court's approval, that:

1. The March 12, 2024 Case Management Conference is continued until a date convenient for the Court following the Court's order on Plaintiff's Motion to Remand within 21 days of the Court's order on Plaintiff's motion.

IT IS SO STIPULATED.

1 Dated: March 1, 2024

2 DAVID CHIU
3 City Attorney
4 YVONNE R. MERÉ
5 Chief Deputy City Attorney
6 SARA J. EISENBERG
7 Chief of Complex and Affirmative Litigation
8 JOHN H. GEORGE
9 DAVID S. LOUK
10 Deputy City Attorneys

11 By: /s/ JOHN H. GEORGE
12 JOHN H. GEORGE

13 Attorneys for Plaintiff
14 PEOPLE OF THE STATE OF CALIFORNIA, acting by
15 and through San Francisco City Attorney DAVID CHIU

16 Dated: March 1, 2024

17 GARY T. LAFAYETTE
18 BRIAN H. CHUN
19 LAFAYETTE & KUMAGAI LLP

20 By: **/s/ BRIAN H. CHUN
21 BRIAN H. CHUN

22 Attorneys for Defendant
23 INCOMM FINANCIAL SERVICES, INC.

24 Dated: March 1, 2024

25 JANE METCALF
26 HENRY J. RICARDO
27 PATTERSON BELKNAP WEBB & TYLER LLP

28 By: **/s/ JANE METCALF
JANE METCALF

Attorneys for Defendant
INCOMM FINANCIAL SERVICES, INC.

Dated: March 1, 2024

JOSEPH DUFFY
MORGAN, LEWIS & BOCKIUS LLP

By: **/s/ JOSEPH DUFFY
JOSEPH DUFFY

Attorneys for Defendant
TBBK CARD SERVICES, INC.

1 Dated: March 1, 2024

ARJUN P. RAO
MORGAN, LEWIS & BOCKIUS LLP

2
3 By: **/S/ ARJUN P. RAO
ARJUN P. RAO

4 Attorneys for Defendant
5 SUTTON BANK

6 Dated: March 1, 2024

DANIEL T. ROCKEY
BRYAN CAVE LEIGHTON PAISNER

7 By: **/S/ DANIEL T. ROCKEY
8 DANIEL T. ROCKEY

9 Attorneys for Defendant
10 PATHWARD N.A.

11 ***Pursuant to L.R. 5-1(h)(3), the electronic signatory*
12 *attests that each of the other Signatories have concurred*
13 *in the filing of this document.*
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ORDER

Pursuant to the stipulation of the parties and good cause appearing, the Stipulation and Proposed Order is GRANTED as follows:

1. The March 12, 2024 Case Management Conference is continued until a date convenient for the Court following the Court's order on Plaintiff's Motion to Remand within 21 days of the Court's order on Plaintiff's motion.

IT IS SO ORDERED.

Date: March 1, 2024



HONORABLE WILLIAM H. ORRICK
United States District Judge